



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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FEB 20 2008

February 19, 2008

By Hand

Hon. William H. Pauley  
United States District Judge  
United States Courthouse  
500 Pearl St., Room 2210  
New York, NY 10007

Re: Prather v. Marshall, 07Cv8270

Dear Judge Pauley

This office represents the defendants Marshall and Chu in this pro se inmate case involving accommodation of Muslim dietary practice. As per defendants' attached so ordered application, the Court permitted an answer on behalf of defendant Kelly by February 19, 2008, if Kelly's identity and location could be ascertained, with plaintiff being instructed to provide additional information on Kelly's identity.

On February 14, 2008, plaintiff sent the attached letter advising that he was transferred from Marcy Correctional Facility to Sing Sing Correctional Facility ("Sing Sing") and has not been able to gather any additional information about defendant Kelly. We contacted Sergeant Scott Kelly, the only individual with the surname Kelly who recently worked at Sing Sing. According to Sergeant Kelly, he was transferred from Sing Sing on or about December 6, 2006, a month before plaintiff's cause of action arose. See Compl. ¶ III (B). In light of plaintiff's letter, we request an additional four weeks to answer on behalf of a defendant Kelly, if appropriate, or apply for dismissal, with plaintiff being instructed to provide additional information on Kelly's identity (such as work shift and post) by March 11, 2008.

*Application Granted,*

SO ORDERED:

*William H. Pauley III*  
WILLIAM H. PAULEY III U.S.D.J.

2/21/08

Respectfully submitted,

*Wesley E. Bauman*  
WESLEY E. BAUMAN  
Assistant Attorney General

Encls.

cc. James Prather, pro se (by regular mail w/ encls.)